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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,383	02/23/2004	Edward Michael Silver	0201-02528	8406

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Room 2A-207

One AT&T Way

Bedminster, NJ 07921

EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

05/09/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,383	Applicant(s) SILVER ET AL.	
	Examiner ERIC M. BLOUNT	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 13, 17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 13, 17, 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 12, 13, and 17, and 19-21 are currently pending. Claims 12, 19, and 20 have been amended. Claim 18 has been cancelled.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection necessitated by amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota [US 6,604,049 B2] in view of Bide [US 6,470,264 B2], in further view of Hakala et al [U.S. Patent No. 6,452,544].

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action along with further detailed explanation of the aforementioned references.

Regarding **claim 12**, Yokota discloses providing a view of surroundings to a user device in response to a position and orientation of a user; and determining a location in the view by determining the location in the view to be within an orientation of the view vis-à-vis the user

Art Unit: 2612

orientation; receiving target data from the user device corresponding to the location in the view the target data being an image of a target in the view of the surroundings; and identifying the location in the view in response to the target data (see Abstract and column 4, lines 17-65).

Yokota does not disclose that a location may be determined to be a specified distance from a user or providing a view to the user that would be the same as if the user were not wearing the device.

Bide suggests, but does not specifically disclose that a location may be determined to be a specified distance from a user. In an analogous art, Hakala discloses a system for identification of a location wherein identification information may be displayed in a user's field of view (Figure 1A and column 4, lines 37-62). Hakala teaches that the system may provide

identification information to a user, as a user comes within a range of a location (point of interest). The identification information may be displayed to the user (column 9, lines 1-26).

Further, Hakala discloses that the device worn by the user provides a view to the user, the view being the same user view as if the user were not wearing the user device (column 4, lines 37-62).

The upper portion of the device provides a "reality" view to the user that would be the same as if the user were not wearing the device (Figure 4). These teachings read on the claim limitation as presently presented for examination. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the Yokota and Bide inventions to include the concept of automatically providing identification information as a user comes within a range of a point of interest. Examiner contends that determining that a user is within range of a point of interest reads on applicants' claimed determining the view to be within a specified distance from the user. This would have been an obvious modification because it would provide a system for identifying locations or points of interest that requires little or no interaction from a

Art Unit: 2612

user in order to obtain identification information. This type of system would be advantageous for tourist and educational attractions. Further, it would have been obvious to the skilled artisan having each of the references on hand that viewing options were known in the art. The skilled artisan would have had good reason to pursue known options for displaying/providing information to the user.

As for **claim 13**, each invention discloses that identification information may be displayed in association with the location on the view of a user's surroundings (see claims above).

As for **claim 17**, the claim is interpreted and rejected using similar reasoning as claim 12 above. The combination of the references read on the claimed limitations.

As for **claim 19**, the claim is interpreted and rejected using similar reasoning as claim 12 above (see Abstract and column 4, lines 17-65).

As for **claim 20**, Yokota discloses that the user device is a viewing apparatus worn in front of the user's eyes (Figure 3).

As for **claim 21**, Bide discloses that target data is selected by tracking user gaze at the viewing apparatus (column 2, line 60 - column 3, line 10).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2612

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. BLOUNT whose telephone number is (571)272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ERIC M BLOUNT
Primary Examiner
Art Unit 2612

/Eric M. Blount/
Primary Examiner, Art Unit 2612